
STATUTORY INSTRUMENTS

1997 No. 1968

The Education (Assisted Places) Regulations 1997

PART V

Miscellaneous provisions

Transfer of assisted places

19.—(1) This regulation applies where a former participating school—

- (a) merges with another independent school (including a school which was not also a former participating school);
- (b) closes (whether wholly or in part), or
- (c) notifies the Secretary of State that it no longer wishes to provide assisted places under section 2(1) of the 1997 Act.

(2) Where this regulation applies, the Secretary of State may authorise the new school or (as the case may be) any other former participating school to provide under section 2(1) of the 1997 Act any assisted places which the old school was authorised to provide.

(3) Where the Secretary of State decides to authorise a replacement school pursuant to paragraph (2), he shall give written notice of his decision to that school; and that notice shall specify in respect of every transferred assisted pupil—

- (a) his name, address and date of birth;
- (b) the period for which he may be provided with an assisted place by the replacement school (which shall correspond to the remainder of the period for which his assisted place at the old school would have been available); and
- (c) the maximum annual amount of fees which may be charged for him by the replacement school.

(4) Where the Secretary of State has authorised a new school pursuant to paragraph (2), references in these Regulations to “school” shall, where the context permits, include that school.

(5) A transferred assisted pupil shall cease to hold an assisted place at the replacement school at the end of the period specified in the notice.

(6) Before making a decision under paragraph (3), the Secretary of State shall consult the replacement school as to the level of fees he proposes to specify in the notice.

(7) Without prejudice to regulations 5 and 6, the fees charged by a replacement school for a transferred assisted pupil shall not exceed the maximum annual amount specified in the notice.

(8) In this Regulation—

“new school” means a school formed by the merger of the old school and another school;

“notice” means a notice given by the Secretary of State to a replacement school under paragraph (3);

“old school” means a former participating school referred to in paragraph (1);

“replacement school” means a school authorised to provide assisted places under paragraph (2); and

“transferred assisted pupil” means a child who held an assisted place at the old school and for whom the replacement school is authorised to provide an assisted place under paragraph (2).

Provisionally selected pupils

20.—(1) In this regulation “provisionally selected pupil” means a child who—

- (a) is an existing assisted pupil within the meaning of section 2(5) of the 1997 Act;
- (b) did not hold an assisted place provided for the purposes of the assisted places scheme at any time during the 1996—97 school year; and
- (c) was provisionally selected, in accordance with regulation 3(2) of the 1995 Regulations, for an assisted place under that scheme to be taken up in the 1997—98 school year.

(2) A school shall, as soon after the beginning of the 1997—98 school year as is reasonably practicable, ascertain whether each of the relevant conditions (as defined in paragraph (4)) is fulfilled in the case of a provisionally selected pupil; and where they are satisfied that each relevant condition is fulfilled in the case of any such pupil, they shall finally select him for an assisted place.

(3) Where a school ascertain that any relevant condition is not fulfilled in the case of a provisionally selected pupil, they shall withdraw his assisted place forthwith, and his parents shall be liable for any fees provisionally remitted by the school in his case.

(4) In paragraphs (2) and (3) the references to “relevant condition” mean a condition mentioned in the provisions of Part II of the 1995 Regulations as those provisions have continued effect in accordance with paragraph (5).

(5) Despite the coming into force of section 1 of the 1997 Act, the provisions contained in the 1995 Regulations referred to in the first column of the following table shall continue to have effect for the purposes and to the extent referred to in the second column of that table.

Table

| <i>Provisions of the 1995 Regulations</i> | <i>Purpose and extent</i> |
|---|--|
| Regulation 2. | <p>For the purposes of construing the provisions of the 1995 Regulations referred to in this Table, save that regulation 2(1) shall have effect as if:</p> <ul style="list-style-type: none"> (a) there were inserted before the definition of “assisted pupil” the following definition— <ul style="list-style-type: none"> ““assisted place” means an assisted place provided under section 2(1) of the Education (Schools) Act 1997;”; and (b) there were inserted before the definition of “refugee” the following definition— <ul style="list-style-type: none"> ““participation agreement” in relation to a school means the participation agreement made by the Secretary of State and the school as it had effect immediately before the commencement of section 1 of the Education (Schools) Act 1997;”. |

| <i>Provisions of the 1995 Regulations</i> | <i>Purpose and extent</i> |
|---|---|
| Part II, except for regulation 3(1) to (3). | For the purposes of determining whether the relevant conditions are satisfied in the case of a provisionally selected pupil, save that— (a) regulation 3(4) shall have effect as if for “specified by the Secretary of State pursuant to regulation 16” there were substituted “most recently specified by the Secretary of State pursuant to regulation 16(a) before the commencement of section 1 of the Education (Schools) Act 1997”; and (b) regulation 7(2)(a) shall have effect as if the reference to Part III were a reference to Part III of these Regulations. |

Time limits, forms etc.

- 21.** The Secretary of State may specify for the purposes of these Regulations—
- (a) the time by which, and the manner and form in which, declarations of relevant income or estimated income and other information requisite for the purposes of these Regulations are to be made or furnished to a school by the parents of an assisted pupil, and the documentary or other evidence to be provided in support thereof; and
 - (b) the time by which, and the manner and form in which, a school are to notify the parents of an assisted pupil as to whether they are entitled to any remission of fees for a particular school year and, if so, the extent of remission.

Returns, etc., required by the Secretary of State

- 22.** A school shall furnish the Secretary of State with such periodic returns and information as he may require relating to the school or assisted pupils attending there including, in particular—
- (a) in respect of every child holding an assisted place at the school at the beginning of the 1997—98 school year and each subsequent school year—
 - (i) his name and date of birth, and
 - (ii) the kind of education provided for him at the school; and
 - (b) information relevant to an intended increase in fees under Regulation 5.

School accounts

- 23.—**(1) The accounts of a school shall—
- (a) if the Secretary of State so requires, be kept in a form specified by him; and
 - (b) be audited by an independent person who is eligible under section 25 of the Companies Act 1989(1) for appointment as a company auditor.
- (2) At the request of the Secretary of State, a school shall furnish him with copies of their accounts for such periods as he may specify together with copies of the auditor’s certificate relating thereto.

(1) 1989 c. 28.